

Nancy Curry, Chapter 13 Trustee
Masako Okuda (SBN 247925)
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UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA – LOS ANGELES DIVISION	
IN RE: ZIMMATORE, JASON SUDALNIK, JESSICA A.	CASE NO. 2:21-bk-10874-VZ CHAPTER 13 TRUSTEE’S FIRST SUPPLEMENTAL OBJECTION TO CONFIRMATION OF DEBTOR’S CHAPTER 13 PLAN UNDER 11 USC §§§1322, 1325 AND 1326; DECLARATION IN SUPPORT; NOTICE OF POSSIBLE DISMISSAL OR CONVERSION UNDER 11 USC §1307 DATE: July 12, 2021 TIME: 10:30 AM COURTROOM: 1368 255 East Temple Street Los Angeles, CA 90012
Debtor	

The Chapter 13 Standing Trustee hereby objects to the confirmation of the proposed plan because the Debtor has failed to meet all necessary requirements as detailed in the attached declaration and supporting Exhibit A.

THE FAILURE OF THE DEBTOR, OR THE ATTORNEY REPRESENTING THE DEBTOR, TO RESPOND TO THESE OBJECTIONS, APPEAR AT THE CONFIRMATION HEARING AND FAILURE TO PRESENT EVIDENCE THAT ALL REQUIRED PAYMENTS ARE CURRENT MAY RESULT IN DISMISSAL OR CONVERSION OF THE CASE.

Therefore, the Trustee respectfully requests that confirmation of the plan be denied and for such other relief as the Court may deem appropriate.

DATED: May 13, 2021

/s/ Nancy Curry
Chapter 13 Standing Trustee

DECLARATION OF MASAKO OKUDA

I, MASAKO OKUDA, declare as follows:

1. Nancy Curry is the Chapter 13 Standing Trustee in this matter:

ZIMMATORE, JASONSUDALNIK, JESSICA A., 2:21-bk-10874-VZ

I am employed by the Trustee as a staff attorney and am duly qualified to make this declaration. The Trustee has files and records kept by her office in the regular course of business. I have personally reviewed the files and records kept by her office in the within case. The following facts are true and correct within my own personal knowledge and I could and would testify competently thereto if called upon to do so.

2. I object to the confirmation of the proposed Plan because of the specific deficiencies which are set forth in the attached Exhibit A which is incorporated herein by reference.

I declare under penalty of perjury that the foregoing is true and correct. Executed at Los Angeles, California on May 13, 2021.

DATED: May 13, 2021

/s/ Masako Okuda
Masako Okuda

Debtor: **ZIMMATORE, JASON**
SUDALNIK, JESSICA A.

Case No.: 2:21-bk-10874-VZ

EXHIBIT A

The Trustee objects to any provision of the plan that fails to comply with the provisions of the bankruptcy code and rules, including provisions related to plan duration.

Other issues may arise at or before confirmation requiring additional action or information by the debtor and counsel.

Best effort

Hamilton v. Lanning, 130 S.Ct. 2464 (2010)

The Plan does not represent a best effort of the Debtor because the Debtor has failed to commit all disposable income to the Plan. [11 USC §1325(b)(1)(B)]

- (1) The Debtor-husband is supporting his 16-year-old daughter from the former marriage (\$250/mo), which should end once the daughter turns 18. Further, he is requested to provide proof of his daughter's date of birth.
- (2) The Debtor is requested to amend Form 122C-1 and file Form 122C-2. The Debtor-husband's business income in Form 122C-1 (\$4,495.67/mo) is understated based on the business income/expense statements for August 2020 – January 2021 (\$4,983.83/mo gross), and the annualized current monthly income is greater than the applicable median family income.

(The Debtor should not exclude his ordinary and necessary business expenses on line 5 of Form 122C-1 in determining his current monthly income. He must instead list gross receipts as income and deduct business expenses from the expenses part of Form 22C-2 to determine monthly disposable income. In re Wiegand, 368 BR 238 (BAP 9th Cir. 2008).)

Statement of Financial Affairs (SOFA) - Blank or incomplete items

In re Rolland, 317 BR 402 (Bankr. C.D. Cal 2004)

The Debtor has failed to accurately and completely the income for 2019. (Docket No. 15 is not acceptable.)

Miscellaneous

The Debtor is requested to provide copies of the 2020 federal and state tax return copies.

PROOF OF SERVICE DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

1000 Wilshire Blvd., Suite 870
Los Angeles, CA 90017

A true and correct copy of the foregoing document entitled (specify) **TRUSTEE'S FIRST SUPPLEMENTAL OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN UNDER 11 USC §§§1322, 1325 AND 1326; DECLARATION IN SUPPORT; NOTICE OF POSSIBLE DISMISSAL OR CONVERSION UNDER 11 USC §1307** will be served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On May 13, 2021, I checked the CM/ECF document for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Douglas A. Crowder dcrowder@crowderlaw.com, paralegal@crowderlaw.com

2. SERVED BY UNITED STATES MAIL: On May 13, 2021, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

ZIMMATORE, JASON
SUDALNIK, JESSICA A.
1950 TAMARIND AVE. #316
LOS ANGELES, CA 90068

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P.5 and/or controlling LBR, on I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission, and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

I declare under penalty of perjury that the laws of the United States that the foregoing is true and correct.

May 13, 2021
Date

Carlos Robles
Type Name

/s/ Carlos Robles
Signature